

**COMMONWEALTH OF KENTUCKY  
PUBLIC PROTECTION CABINET  
DEPARTMENT OF FINANCIAL INSTITUTIONS  
ADMINISTRATIVE AGENCY ACTION NO. 2010-AH-060**

DEPARTMENT OF FINANCIAL INSTITUTIONS

COMPLAINANT

vs.

**AGREED ORDER**

ROBERT HAUCK

RESPONDENT

**STATEMENT OF FACTS**

1. The Kentucky Department of Financial Institutions (the “DFI”) is responsible for regulating and licensing mortgage loan companies and mortgage loan brokers doing business in Kentucky in accordance with the provisions of KRS Chapter 286.8, the Mortgage Loan Company and Mortgage Loan Broker Act (the “Act”).

2. Robert Hauck (“Hauck”) is an individual residing at 4701 S. Hwy 393 Crestwood, KY 40014.

3. Pursuant to the Act, the DFI conducted an examination of Blackhorse Mortgage Corporation in December 2009 to determine whether the activities of Blackhorse Mortgage Corporation were in compliance with applicable laws and regulations; whether the practices and policies of Blackhorse Mortgage Corporation had a potentially adverse impact on prospective borrowers; and whether the business was being operated efficiently, fairly, and in the public interest.

4. During the examination, the DFI discovered that Hauck acted as a loan originator on behalf of Blackhorse Mortgage Corporation in June 2008.

5. Hauck was not registered with the DFI as a mortgage loan originator in June 2008.

### **LEGAL CONCLUSIONS**

6. Pursuant to KRS 286.8-030(1)(c), “it is unlawful for any natural person to transact business in Kentucky, either directly or indirectly, as a mortgage loan originator or mortgage loan processor, unless otherwise exempted, if the mortgage loan originator or mortgage loan processor is not registered in accordance with KRS 286.8-255.”

7. Pursuant to KRS 286.8-255(1), “no natural person shall transact business in Kentucky, either directly or indirectly, as a mortgage loan originator or mortgage loan processor unless such mortgage loan originator or mortgage loan processor is registered with the office and has been issued a current certificate of registration by the office, complies with all applicable requirements of this subtitle, and maintains a valid unique identifier issued by the Nationwide Mortgage Licensing System and Registry.”

8. Hauck violated KRS 286.8-030(1)(c).

9. Pursuant to KRS 286.8-046(1), the Executive Director may assess a fine “plus the state’s costs and expenses for the examination, investigation, and prosecution of the matter, including reasonable attorney’s fees and court costs” against any mortgage loan company or mortgage loan broker that violates any provision of the Act or accompanying regulations.

## **AGREEMENT**

10. In the interest of economically and efficiently resolving the violation(s) described herein, the DFI and Hauck agree as follows:

- a. Hauck agrees to a fine assessment in the amount of five hundred dollars (\$500.00) for the violation(s) described herein;
- b. Hauck agrees to and shall pay the total fine assessed herein of five hundred dollars (\$500.00) in two installments of two hundred fifty dollars (\$250.00). The first installment payment shall be paid no later than July 15, 2010. The second installment payment shall be paid no later than August 15, 2010. The payments shall be in the form of a certified check or money order made payable to "Kentucky State Treasurer" and mailed to the Department of Financial Institutions, Attn: Simon Berry, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601.

11. Hauck waives his right to demand a hearing at which he would be entitled to legal representation, to confront and cross examine witnesses, and to present evidence on his own behalf, or to otherwise appeal or set aside this Order.

12. Hauck consents to and acknowledges the jurisdiction of DFI over this matter and that this Agreed Order is a matter of public record and may be disseminated as such.

13. In consideration of execution of this Agreed Order, Hauck for himself, and for his successors and assigns, hereby releases and forever discharges the Commonwealth of Kentucky, the DFI, Office of Legal Services, and each of their members, agents, and

employees in their individual capacities, from any and all manner of actions, causes of action, suits, debts, judgments, executions, claims and demands whatsoever, known and unknown, in law or equity, that Hauck ever had, now has, may have or claim to have against any or all of the persons or entities named in this paragraph arising out of or by reason of this investigation, this disciplinary action, this settlement or its administration.

14. By signing below, the parties acknowledge they have read the foregoing Agreed Order, know and fully understand its contents, and that they are authorized to enter into and execute this Agreed Order and legally bind their respective parties.

15. This Agreed Order shall constitute the Final Order in this matter.

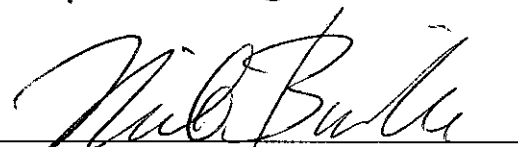
**IT IS SO ORDERED** on this the 30<sup>th</sup> day of June, 2010.

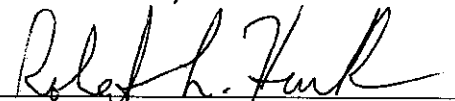
  
\_\_\_\_\_  
CHARLES A. VICE  
COMMISSIONER

**Consented to:**

This 14<sup>th</sup> day of June, 2010.

This 14<sup>th</sup> day of June 2010

  
Nicole Biddle, Director  
Division of Nondepository Institutions  
Department of Financial Institutions

  
Robert Hauck  
Respondent

**ACKNOWLEDGEMENT**

STATE OF Kentucky )  
 )  
COUNTY OF Jefferson )

On this the 14<sup>th</sup> day of June, 2010, before me MONA L. MITCHELL, the undersigned, **Robert Hauck**, did personally appear, and that he, being authorized to do so, entered into and executed the foregoing instrument for the purposes therein contained.

In witness whereof I hereunto set my hand.

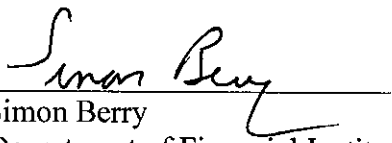
My Commission Expires: 7-20-2010

  
Notary Public

**Certificate of Service**

I hereby certify that a copy of the foregoing **Agreed Order** was sent by certified mail return receipt requested and by regular mail on this the 6<sup>th</sup> day of July, 2010, to the following:

Robert Hauck  
4701 S. Hwy 93  
Crestwood, KY 40014

  
Simon Berry  
Department of Financial Institutions  
1025 Capital Center Drive, Suite 200  
Frankfort, Kentucky 40601  
(502) 573-3390 Ext. 232  
(502) 573-2183 (facsimile)